

## **REMARKS**

### **Status of the Claims**

Claims 1-20 were subjected to a Restriction Requirement dated December 27, 2002, from which claims 1-14 were selected. Claims 15-20 were withdrawn from consideration. Of the selected claims, claims 12-14 stand rejected. Claims 1-11 were canceled by previous amendment.

### **Examiner Interview**

Applicants appreciate the courtesy extended by the Examiner during the telephone interview on August 24, 2005. During the interview, the Applicants proposed amending claim 12 to overcome the Examiner's rejection over U.S. Patent No. 6,485,639 to Gannon *et al.* ("Gannon"). Applicant now amends claim 12, pursuant to that discussion and the Examiner's indication that the proposed amendment would overcome the rejection based on Gannon (as discussed below).

### **Amendments**

Claim 12 has been amended, in view of the Examiner's remarks in the Office Action dated April 13, 2005, as well as during the interview discussed above. Amended claim 12 finds support in the original specification, including at Figure 42. Applicants respectfully submit that no new matter has been added by this amendment and respectfully request entry thereof.

### **The Response**

Claims 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gannon. In particular, the Examiner states that "... Gannon discloses an apparatus, comprising: (a) a filtration device, seen as filtration media (40), dimensioned to fit within an inlet and obstructing at least a portion of said inlet... (b) a filtration device support, seen as container (20), dimensioned and adapted to cooperatively engage with said inlet and with said filtration device to substantially maintain said filtration device in a pre-selected position within said inlet... and (c) an adjustable deflector ring, seen as top plate (21)... connected to said filtration device support, said adjustable deflector ring containing at least one flow control wall along at least one

outer edge,...whereby said adjustable deflector ring is adjusted via the permanent removal of material...” Office Action dated April 13, 2005 at page. 2. The Examiner further states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top plate (21) of Gannon to be easily adjusted to fit within a particular catch basin. *See id.* at page 3.

Applicant submits that the Office Action fails to set forth a *prima facie* case of obviousness. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* MPEP § 2143.03. Amended Claim 12 recites, *inter alia*: “a filtration device comprising a basket, said filtration device dimensioned to fit within an inlet and obstructing at least a portion of said inlet...” (emphasis added). Gannon fails to disclose a basket for its filtration media (40). That is, Gannon discloses a filtration media (40) comprising a mix of polymeric absorbents and a filtration enabler in a granulated state. *See e.g.*, Gannon at column 3, lines 5-11; column 5, lines 4-6 and column 6, lines 57-63. Rather than employing a filtration device comprising a basket, however, the filtration media of Gannon “is compressed into container 20 as a cake and is held within container 20 by porous layer 33.” *Id.* at column 6, lines 57-58.

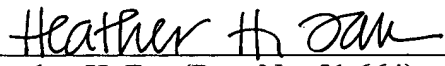
For at least the foregoing reasons, Gannon fails to teach or suggest every material element of amended claim 12. Since claims 13 and 14 depend from claim 12, Gannon similarly fails to anticipate these claims as well. Applicant respectfully submits that claims 12-14 are patentable over Gannon.

### CONCLUSION

Applicant respectfully submits that all claims are in proper form and condition for allowance. Outside the fee for the Extension of Time Petition, it is believed that no other fee is due at this time. Should any fee be required for any reason related to this document, however, the Commissioner is authorized to charge said fee to Deposit Account No. **08-3038**, referencing Attorney Docket No. **11533.0012.CPUS05**. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned.

Respectfully Submitted,

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